

Remarks

Claims 30-37, 40, 42-49, and 108-110 are pending in the present application with claim 30 being the sole independent claim. Claims 108-110 have been added and Claim 30 has been amended to more particularly define additional features of the disclosed inventive subject matter. Support for the newly added claims can be found throughout the application including for example at page 25.

The September 14, 2005 Office Action rejected then pending claims over Christian et al. (USPNo. 6,039,661) in view of Tiitola et al. (USPNo. 5,047,195). This rejection is respectfully traversed. As previously remarked upon, Tiitola et al. discloses a composite blade construction, but fails to disclose or otherwise teach a recessed heel section that is permanently mated within a slot of a wooden hosel. Quite the contrary, the blade constructs disclosed in Tiitola et al. have absolutely no recess at the heel let alone one that is configured to be received in a mating portion of a hosel that is adapted for receipt within a tubular portion of a hockey stick shaft.

Christian et al. on the other hand discloses a wood hockey replacement blade reinforced with an exterior overlay of fiberglass including a pair of reinforcement strips, but fails to disclose or otherwise suggest that any wooden portion of the blade be formed of foam. The replacement blade of Christian et al. is simply a wood blade wrapped with fiberglass and dipped in varnish and thus in many respects is similar to the construction of Hall (USPNo. 1,601,116) as previously commented upon. See Amendment and Response After Final Action mailed May 11, 2005 and accompanying Declaration of Edward M. Goldsmith, which are hereby incorporated as if fully set forth herein. The primary strength of the blade disclosed in Christian et al. is derived from the wood construction, which may or may not be further protected by a fiberglass overlay. See Christian et al. at Col. 6:57-67. In contrast, a foam core has very little strength, but rather is employed in synthetic blade

construction during the curing process, one neither taught or even suggested by Christian et al., to provide the necessary internal pressure to mold the fiber plies within the resin. Indeed, one of ordinary skill in the art would not replace the wood components of the replacement blade of Christain et al. with foam (even with a protective fiberglass woven sleeve) because to do so would undermine the integrity of the blade structure disclosed in Christian et al.

Hence, there is simply no teaching of the hybrid hockey stick blade as claimed in either Christian et al. or Tiitola et al. individually or in combination. Neither reference teaches or even suggest combining any aspect of the wood blade construct disclosed in Christian et al. with any aspect of the synthetic blade construct disclosed in Tiitola et al. let alone to combine features of those references in the manner claimed. Indeed, as set forth in Applicant's prior Response and accompanying Declaration there is absolutely no motivation to employ a tongue and groove joint construction at a heel region of a synthetic replacement hockey stick blade because such a joint would be contrary to durability that was sought from such blades while at the same time introduce a lack of uniformity in the primary hitting surfaces.

Moreover, the amendments to claim 30 further require that the fibers be interposed between a surface of the recessed heel section of the elongate member and an overlying inner surface defining the slot in the first end-section of the hosel portion. Neither reference discloses or even suggests this limitation. Tiitola et al. neither discloses a slot nor a recessed heel region as claimed while Christian et al. does not disclose fibers except in the context of an optional fiberglass protective wrap over the exterior surface of the entire wood blade. See Christian et al. at Col. 6:57-67.

In addition, it is noted that the additional limitations set forth in dependent claims 43 and 45 are not disclosed in either Tiitola et al. or Christian et al. Neither Christian et al. nor Tiitola et al.

teach or suggest an internal bridge structure comprising *non-continuous fibers* nor internal bridge structures extending between the *recessed front-side and back side facing surfaces of the heel section*. All the bridge structures in Tiitola et al. are made of layers of continuous fibers capable of being oriented at the desired transverse angle. Furthermore, since Tiitola et al. does not disclose or even suggest the employment of any recessed portion at the heel whatsoever it cannot suggest that bridge structures be employed in that region as defined in claim 45. Accordingly, claims 43 and 45 are not obvious over the cited references for these additional reasons.

Thus, it is respectfully submitted that a conclusion to the pending claims are obvious over the cited references amounts to nothing more than impermissible hindsight that fails to comprehend the context of the present invention. Moreover, the commercial success of Applicant's products embodying the invention provides additional evidence of inventiveness. See Declaration of Edward M. Goldsmith previously filed. Accordingly, it is respectfully submitted that pending claims 30-37, 40, 42-49, and 108-110 patentably distinguish over the prior art.

Conclusion

In view of the foregoing remarks and amendments, it respectfully submitted that Claims 30-37, 40, 42-49, and 108-110 are patentably distinct over the prior art. A Notice of Allowance is earnestly solicited. To the extent that the Examiner concludes otherwise, it is respectfully requested that the Examiner contact the Applicants' below-identified representative to schedule an Examiner's Interview to discuss the matter pursuant to M.P.E.P. §714.12.

Patent: Amendment & Response
Attorney Docket: 949797-100029 US
Express Mail No. EV 686347595 US

Respectfully submitted,

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Dated: March 14, 2005

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